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FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1713  
INFO RUEHLO/AMEMBASSY LONDON IMMEDIATE 4086  
RUEHNE/AMEMBASSY NEW DELHI IMMEDIATE 9825  
RUEHLM/AMEMBASSY COLOMBO IMMEDIATE 4685  
RUEHKA/AMEMBASSY DHAKA IMMEDIATE 9791  
RUEHBK/AMEMBASSY BEIJING IMMEDIATE 4432  
RUEHIL/AMEMBASSY ISLAMABAD IMMEDIATE 2672  
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 0935  
RUEHGK/USMISSION GENEVA IMMEDIATE 1167  
RUEAAIA/CIA WASHDC IMMEDIATE  
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1823  
RHEHNCS/NSC WASHDC IMMEDIATE  
RHEFDIA/DIA WASHDC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE  
RHHMUNA/CDR USPACOM HONOLULU HI IMMEDIATE

C O N F I D E N T I A L KATHMANDU 001426

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E.O. 12958: DECL: 06/05/2016

TAGS: PHUM MASS NP

SUBJECT: LEAHY VETTING OF NEPALI UNDERGOING TRAINING IN THE U.S.

REF: A. KATHMANDU 1376  
B. KATHMANDU 801  
C. STATE 42768  
D. KATHMANDU 620  
E. KATHMANDU 45  
F. STATE 1326  
G. 05 KATHMANDU 2796  
H. 05 KATHMANDU 2894

Classified By: Ambassador James F. Moriarty, Reasons, 1.4 (b/d).

11. (U) This is an action request, please see para. 7.

Summary

12. (C) Post recently determined that a Nepalese Army officer, who had undergone Leahy vetting (refs B-D) and who is currently in the U.S. for training, served - and continues to serve - in a unit alleged to have been involved in gross violations of human rights in late 2003. Although the Mission and Washington conducted Leahy vetting for the officer in February - March 2006, subsequently, on May 26, 2006 (ref A), the UN Office of the High Commissioner for Human Rights (OHCHR) released information alleging that two battalions of the 10th Brigade of the former Royal Nepalese Army (RNA) had been involved in disappearances of civilians in 2003. By the time we received this information, the officer in question had begun his training in the U.S. After receiving the OHCHR report, we reviewed our files and discovered that three other officers from the two concerned units had also received training in the U.S. Embassy recommends that the USG immediately terminate the training of the Nepalese Army officer currently in the U.S. and return him to Nepal. End Summary.

Officer in Training in the U.S.

13. (SBU) Captain Indiver Rana is attending the English Language Basic Instructor Course at Lackland Air Force Base, San Antonio, TX. His training is funded by IMET and scheduled for May 24 to December 1, 2006. He served at the Bhairabnath Battalion, Maharajgunj, Kathmandu during

September-December 2003. OHCHR reported on May 26, 2006 that during that time period two battalions of the 10th Brigade - the Bhairabnath Battalion and the Yuddha Bhairab Battalion - ill-treated 137 people, 49 of whom remain "disappeared." (Note: The 10th brigade is headquartered at Laxshmi Niwas in Maharajgunj, Kathmandu. The Bhairabnath and Yuddha Bhairab Battalions were the two battalions stationed there during September-December 2003. The Ranger Battalion, although a part of the 10th Brigade, is stationed elsewhere and is not alleged to have been involved in the human right violations. End Note.)

#### Three Other Officers From Accused Units Received Training

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¶4. (SBU) We have reviewed our files and also are seeking to obtain a list from the NA (in May 2006, the Royal Nepalese Army (RNA) became the Nepalese Army) of those who served in the Bhairabnath and Yuddha Bhairab Battalions in August 2003 to January 2004. Our review shows that three officers who served in the battalions at issue during that time received training in the U.S. An officer in the 10th Brigade confirmed that the officers below were serving in the units.

-- Capt. Madan Jung Rana, Bhairabnath Battalion, took the International Special Forces Course January 24-May 25, 2006 at Fort Bragg, NC. He has returned to Nepal. He underwent Leahy vetting (refs E-H). He was Platoon Commander, Bhairabnath Battalion during the time at issue.

-- Capt. Ujjwol Rana took the Reconnaissance and Surveillance Leader Course June 28-July 5, 2004 at Fort Benning, GA. Rana also attended the U.S. Army Special Forces Officer

Qualification Course April 6-August 22, 2003. He was a team leader in the Yuddha Bhairab Battalion (as team leader, he was responsible for 16 men).

-- Lt. Col. Sushil BC took the Comprehensive Security Responses to Terrorism Seminar at the Asia-Pacific Center for Strategic Studies, Hawaii August 23-September 10, 2004. He was a Brigade Major (the Headquarters Operations Staff Officer), 10th Brigade, stationed at Laxshmi Niwas.

Note: Capt. Sujit Khadka took the Special Forces Officer Qualification Course October 25, 2004-July 5, 2005. Capt. Khadka was undergoing the combat training course at the RNA barracks ("Laxshmi Niwas) in Maharajgunj from September to December 2003. He was still assigned to the Purano Gorakh Battalion.

#### Post's Normal Leahy Vetting Procedure

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¶5. (SBU) Since receiving Department's guidance "Compliance with the State Leahy Amendment: A Guide to the Vetting Process" on December 13, 2005, post has established a system whereby ODC notifies Pol/Econ of any individual it is nominating to go to the U.S. for training. Pol/Econ established a "Leahy Vetting Committee" that includes the Pol/Econ, RSO, Pol/Mil and Consular Sections, all of which check their files and databases (including ACES), as well as other outreach efforts, for any credible evidence of gross violations of human rights perpetrated by the individual or the unit proposed for training. The sections then notify Pol/Econ in writing of the results of their search. If no derogatory information is found, Pol/Econ sends a cable to Washington with the names of the individuals/units and asks for clearance. Prior to December 2005, the Embassy vetted the proposed individuals at Post without cabling back to Washington, and only cabled back to Washington to vet units proposed to receive training and assistance.

#### No Red Flags During Local Vetting

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¶6. (SBU) Although Embassy vetted all individuals proposed for training, at the time of vetting there was no information

about the allegations of gross human rights violations that occurred September-December 2003 by the Bhairabnath and Yuddha Bhairab Battalions of the RNA 10th Brigade. When we became aware of the OHCHR report, we reviewed our files to check those people whom we had nominated for training. Following our review, we notified the Department and recommended taking appropriate action. Suggested talking points:

-- The Mission coordinates with Washington to conduct vetting in accordance with the Leahy Law for individuals nominated to receive FOAA-funded or DOD-funded training and assistance (at DOD's request).

-- Upon receiving word as reported by OHCHR in its May 26 report of the atrocities by the Bhairabnath and Yuddha Bhairab Battalions of the RNA 10th brigade between September and December 2003, the Mission reviewed its files. OHCHR reported that there is credible evidence that these units mistreated 137 detainees, 49 of whom have disappeared.

-- As soon as we became aware that an officer who had been serving in one of the those battalions was receiving training in the U.S., we took appropriate action.

Action Request and Comment

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17. (C) Capt. Indiver Rana was serving - and continues to serve - in a unit where there is credible evidence that the unit was engaged in gross human rights violations. Given what we now know about these alleged abuses, Embassy requests that Capt. Indiver Rana's training be terminated and that he

be returned to Nepal immediately. We do not have evidence of Rana's individual acts, complicity or participation. Had we discovered this derogatory information during the vetting process, we would have advised the Government of Nepal (GON) and former Royal Nepalese Army (RNA) that training would not be provided to Capt. Rana and offered to accept a substitute candidate. Returning Capt. Rana to Nepal would signal the seriousness with which we address human rights issues, and the issue of impunity in the RNA and the new Nepalese Army (NA). We also hope that his return will encourage NA cooperation with OHCHR's investigation.

MORIARTY